

REMARKS

Rejections under 35 USC 103(a)

In the Office Action, the Examiner rejected Claims 1-20 under 35 USC 103(a) as being unpatentable over Kalra et al. (6,490,627). Applicant has reviewed the Kalra et al. reference and respectfully asserts that the claimed embodiments of the present invention are not obvious in view of Kalra et al. for the following rationale.

Applicant respectfully asserts that amended Independent Claims 1 and 20 include the limitations "receiving an identifier from the palmtop computer; accessing a table of data in conjunction with said identifier from the palmtop computer to select a profile for downloading information to the palmtop computer; and adapting content to be transmitted to the palmtop computer based upon the profile from said table of data."

That is, the profile of the content transmitted to the palmtop computer is selected from a table of data by the process receiving the identifier from the palmtop computer. For example, in one embodiment, as shown in Tables 1 through 3, Figure 7, and described starting on page 11 line 17, the palmtop computer's abilities are looked up in a database by the identifier (or header information) of the instant application so that the palmtop computer's characteristics can be determined (e.g., by serial number, model number, device type, etc.). Therefore, as clearly stated in Claims 1 and 20 the table of data is used in conjunction with the identifier from the palmtop computer to determine the profile for downloading information.

Applicant respectfully submits that this claimed method for adapting content for transmission is fundamentally different from that of Kalra et al. Specifically, in column 15 lines 57-67, column 16 lines 1-40, and column 17 lines 30-60, Applicant understands Kalra et al. to teach that the computing device is tested to establish a CPU constraint. In one embodiment, Kalra et al. teach having the client CPU process test samples of a plurality of adaptive streams to establish the CPU constraint. Alternatively, the CPU constraint can be determined by testing the capabilities of the client computer for media playback, audio sample, etc. Kalra et al. further provide a formula for establishing the CPU constraint on column 17 starting at line 33.

Therefore, the Applicant understands Kalra et al. to teach that the computer accessing the server must have the CPU tested to establish a constraint for the flow of data. Applicant respectfully submits that a method of having a CPU tested to determine the profile for receiving data is fundamentally different from the Claimed embodiments. Specifically, Claims 1 and 20 utilize a table of data based on an identifier from the palmtop computer to determine the profile for downloading information to the palmtop computer. That is, no testing of the palmtop CPU is suggested or necessary. Thus, a substantial time and bandwidth savings are recognized by the removal of a testing process for the palmtop CPU.

Thus, Kalra et al teaches away from the present claimed invention. Furthermore, the removal of the CPU constraint testing is not an obvious variant of Kalra et al. and in fact is opposite of what the Applicant understands Kalra et al. to teach regarding the method to determine the download profile.

Therefore, Applicant respectfully submits that the embodiments of Claims 1 and 20 are not obvious in view of Kalra et al. Accordingly, Applicant respectfully submits that the rejections under 35 USC 103(a) of Claims 1 and 20 are overcome.

With respect to the Claims 2 through 14, Applicant respectfully states that they are dependent on an allowable Independent Claim 1 and recite further features of the present claimed invention.

Applicant respectfully asserts that amended Independent Claim 15 includes the limitations:

accessing a table of data in conjunction with said identifier said table of data comprising:

a processing power for a processor residing within the palmtop computer by reference to the identifier;

a display resolution parameter and a display color handling ability for a display of the palmtop computer by reference to the identifier;

a display parameter for a display of the palmtop computer by reference to the identifier;

an amount of memory available to the palmtop computer by reference to the identifier;

a data transmission format; and

a transmission speed for transmission to the palmtop computer;

selecting a profile for downloading information to the palmtop computer from said table of data in conjunction with said identifier; and

adapting content to be transmitted to the palmtop computer based upon the profile from said table of data.

That is, the profile of the content transmitted to the palmtop computer is selected from a table of data by the process receiving the identifier from the palmtop computer. For example, in one embodiment, as shown in Tables 1 through 3, Figure 7, and described starting on page 11 line 17, the palmtop computer's abilities are looked up in a database by the identifier (or header information) of the instant specification so that the palmtop computer's characteristics can be determined (e.g., by serial number, model number, device type, etc.). Therefore, as stated in Claim 15 the table of data is used in conjunction with the identifier from the palmtop computer to determine the profile for downloading information.

Applicant respectfully submits that this claimed method for adapting content for transmission is fundamentally different from that of Kalra et al. Specifically, in column 15 lines 57-67, column 16 lines 1-40, and column 17 lines 30-60, Applicant understands Kalra et al. to teach that the computing device is tested to establish a CPU constraint. In one embodiment, Kalra et al. teach having the client CPU process test samples of a plurality of adaptive streams to establish the CPU constraint. Alternatively, the CPU constraint can be determined by testing the capabilities of the client computer for media playback, audio sample, etc. Kalra et al. further provide a formula for establishing the CPU constraint on column 17 starting at line 33.

Therefore, the Applicant understands Kalra et al. to teach that the computer accessing the server must have the CPU tested to establish a constraint for the flow of data. Applicant respectfully submits that a method of having a

CPU tested to determine the profile for receiving data is fundamentally different from the claimed embodiment. Specifically, Claim 15 utilizes a table of data based on an identifier from the palmtop computer to determine the profile for downloading information to the palmtop computer. That is, no testing of the palmtop CPU is suggested or necessary. Thus, a substantial time and bandwidth savings are recognized by the removal of a testing process for the palmtop CPU.

Thus, Kalra et al. teach away from the present claimed invention. Furthermore, the removal of the CPU constraint testing is not an obvious variant of Kalra et al. and in fact is opposite of what the Applicant understands Kalra et al. to teach regarding the method to determine the download profile. Therefore, Applicant respectfully submits that the method of Claim 15 is not obvious in view of Kalra et al. Accordingly, Applicant respectfully submits that the rejections under 35 USC 103(a) of Claim 15 is overcome.

With respect to the Claims 16 through 19, Applicant respectfully states that they are dependent on an allowable Independent Claim 15 and recite further features of the present claimed invention.

CONCLUSION

In light of the above amendments and remarks, Applicant respectfully requests reconsideration of the rejected Claims 1-20. Claims 1-4, 7-8, 15, and 20 have been amended herein.

Based on the argument presented above, Applicant respectfully asserts that Claims 1 through 20 overcome the rejections of record and, therefore, allowance of these Claims is respectfully solicited.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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